

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2011-51-W - ORDER NO. 2011-226

APRIL 5, 2011

IN RE: Petition of Clarendon County Regarding the Acquisition of Eagle Point Water System)))))))	ORDER DENYING PETITION TO INTERVENE AND APPROVING REQUEST TO TRANSFER WATER COMPANY
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This matter comes before the Public Service Commission of South Carolina (“Commission”) on a request by Clarendon County for approval to transfer the Eagle Point Water Company, Inc. to the County. The Eagle Point Water Company (“Eagle Point,” “Facility,” or “Company”) is a facility certificated by this Commission. Another issue in the Docket concerns a Petition to Intervene filed by Wrigley & Associates, Inc.

As background, some time ago Eagle Point’s owner died, and in 2006 the Department of Health and Environmental Control entered into a receivership agreement with Wrigley & Associates to operate the Company while a permanent owner was sought to manage its operations. At the beginning of this year, Clarendon County acquired the facility from the estate of the former owner by quit claim deed. It now seeks approval for the transfer of ownership. Wrigley & Associates’ receivership agreement automatically terminates once the transfer is approved.

On February 4, 2011, Wrigley & Associates petitioned to intervene, stating that it had “not received all compensation due to it” and vaguely claiming “other economic interests” in Eagle Point. On February 9, 2011, the Commission issued a Directive asking Wrigley & Associates to clarify its claim of “other economic interests”. Wrigley & Associates replied that it had not received all monies due to it under the receivership from payments by water customers and expenses incurred related to the operation of the Water Company, and it appeared to question the validity of the quit claim deed.

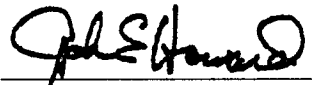
We still do not find that this further explanation is sufficient to support Wrigley & Associates’ intervention in the Docket. The questions raised by the intervention request largely deal with issues of the validity of a property transfer and claims for compensation under an agreement which the Petition admits is the result of a Court-appointed receivership. These are issues for the circuit court.

As for the claim of “other economic interests” for which this Commission sought further clarification, Commission Regulation 103-825(A)(3) states that a Petition to Intervene must clearly set forth the facts and grounds of the proposed intervention. Wrigley & Associates has now had two opportunities to do so, but no response has been presented that shows any issue over which the Commission can grant jurisdictional relief. We therefore find that Wrigley & Associates’ Petition to Intervene should be denied. Further, in light of that finding and therefore the absence of objection by any party, we also find that the transfer of Eagle Point Water Company, Inc. to Clarendon County should be approved as being in the public interest.

IT IS THEREFORE ORDERED:

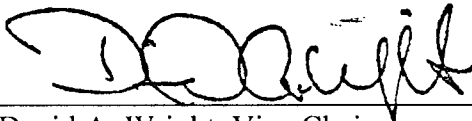
1. The Petition of Wrigley & Associates, Inc. to intervene is denied.
2. The transfer of ownership of the Eagle Point Water Company, Inc. to Clarendon County is approved.
3. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



John E. Howard, Chairman

ATTEST:



David A. Wright, Vice Chairman
(SEAL)